Attorney Docket No.: 002376 0875

### **DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES						
the specification of	f which:	is attached hereto.				
	$\boxtimes$	was filed on:	September 3, 199	9		
		as Application No.:	09/380,545			
		and was amended o	n (if applicable).			
l have rev	iewed and under	stand the contents of t	he above-identified sp	ecification, including		
the claims, as am	ended by any ar	mendment referred to a	above. I acknowledge	the duty to disclose		
information which	is material to pa	tentability as defined in	37 C.F.R. § 1.56.			
		Prior Foreign Applica	ation(s)			
**************************************		*( )	- Or United Otatoo C	ada 8 110(a) (d) ar		
I hereby of any f	claim foreign pric	ority benefits under Title on(s) for patent or inve	e 35, United States C Intor's certificate, or 8	.365(a) of any PCT		
international appl	ication which de	esignated at least one	country other than t	he United States of		
America, listed b	elow and have	also identified below	any foreign applicat	ion(s) for patent or		
inventor's certifica	ite having a filing	date before that of the	application on which p	priority is claimed:		
1	Application	Date of Filing	Date of Issue			
Country	Number	(day, month, year)	(day, month, year)	Priority Claimed		
				Yes No		
				Yes No No		
				Yes No No		

### **Prior Provisional Application(s)**

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/040,152	03/07/97
60/055,037	08/08/97
60/063,675	10/29/97
60/064,531	11/05/97
60/067,325	12/05/97
60/047,854	05/29/97

# 

### **Prior United States Application(s)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned
08/687,665	07/26/96	Pending

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Rodger L. Tate, Registration No. 27,399; Scott F. Partridge, Registration No. 28,142; Jerry W. Mills, Registration No. 23,005; Robert Neuner, Registration No. 24,316; James Remenick, Registration No. 36,902; James B. Arpin, Registration No. 33,470; Laurence H. Posorske, Registration No. 34,698; Floyd B. Chapman, Registration No. 40,555; Robert A. King, Registration No. 42,738; William F. Nixon, Registration No. 44,262; Andrew D. Skale, Registration No. 44,338; Robert L. Troike, Registration No. 24,183; Jay M. Cantor, Registration No. 19,906; and Jay B. Johnson, Registration No. 38,193.

All correspondence and telephone communications should be addressed to: Laurence H. Posorske, Esq., Baker & Botts, L.L.P., The Warner, 1299 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2400, telephone number (202) 639-7700, facsimile number (202) 639-7890, which is also the address, telephone and facsimile numbers of each of the above listed attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature

Full Name of First Inventor:

SMALLEY (Family Name)

Richard (First Given Name) E.

Date Nov 8, 1888

(Second Given Name)

Citizenship:

USA

Residence:

1816 Bolsover, Houston, TX 77005

Post Office

Address:

Same as Above

### Att rey Docket No. 002376.0875

	Signature	Sty. Olh	_	Date	-4-99
	Full Name of	COLDEDT	Daniel		_
	Second Inventor:	(Family Name)	Daniel (First Given Name)		T. (Second Given Name)
	Citizenship:	USA			
	Residence:	1911 Milford Street, Houston, TX	X 77098		
	Post Office	0			
	Address:	Same as above			
	Signature			Date	
	Full Name of	DAI	Llangiia		
in the second	Third Inventor: Citizenship:	DAI (Family Name)	Hongjie (First Given Name)		(Second Given Name)
	Citizenship:	CHINA			
Want in	Residence:	365 Pescadero Terrace, Sunnyo	vale, CA 94086		
	Post Office				
	Address:	Same as above			
i.	:				
	Signature			Date	
j	Full Name of				
	Fourth Inventor:	LIU (Family Name)	Jie (First Given Name)		(Second Given Name)
	Citizenship:	CHINA	,		,
	Residence:	5825 Gulfton #3214, Houston, T	X 77081		
	Post Office				
	Address:	Same as above			
	Signature			Date	
	Full Name of				
	Fifth Inventor:	RINZLER (Family Name)	Andrew (First Given Name)		G. (Second Given Name)
	Citizenship:	USA	(,		(,
	Residence:	6666 Chetwood, Apartment 171	, Houston, TX 770	81	
	Post Office				
	Address:	Same as above			
	Signature			Date	
	Full Name of				
	Sixth Inventor:	HAFNER (Family Name)	Jason (First Given Name)		H. (Second Given Name)
	Citizenship:	USA	( not Olven Haine)		(Occord Civer Haire)
	•				

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### At 1ey Docket No. 002376.0875

Signature	STON	h	Date	1-4-99
_				
Full Name of Second Inventor:	COLBERT (Family Name)	Daniel (First Given Name)		T. (Second Given Name)
Citizenship:	USA			
Residence:	1911 Milford Street, Ho	uston, TX 77098		
Post Office Address:	Same as above			
Signature	Hoy	Ge Dai	Date	11/17/99
Full Name of				
Third Inventor:	DAI (Family Name)	Hongjie (First Given Name)		(Second Given Name)
Citizenship:	CHINA			
Residence:	365 Pescadero Terrace	e, Sunnyvale, CA 94086		
Post Office Address:	Same as above			
Erned Erms				
Signature			Date	
Full Name of				
Fourth Inventor:	LIU (Family Name)	<b>Jie</b> (First Given Name)		(Second Given Name)
Citizenship:	CHINA	(Filot Sitoli Hallo)		(Occoma Given Manie)
Residence:	5825 Gulfton #3214, Ho	ouston TX 77081		
Post Office Address:	Same as above			
Signature			Date	
Full Name of Fifth Inventor:	RINZLER (Family Name)	Andrew (First Given Name)		G. (Second Given Name)
Citizenship:	USA	,		,
Residence:	6666 Chetwood, Apartr	ment 171, Houston, TX 770	081	
Post Office	•			
Address:	Same as above			
Signature			Date	
Full Name of				
Sixth Inventor:	HAFNER (Family Name)	Jason (First Given Name)		H. (Second Given Name)
Citizenship:	USA			

### Att hey Docket No. 002376.0875

	() $A'$ $O$ $Q$	· -	1.0	. /
Signature	Je J. Ch		Date	-4-99
Full Name of Second Inventor:	COLBERT (Family Name)	Daniel (First Given Name)		T. (Second Given Name)
Citizenship:	USA			,
Residence:	1911 Milford Street, Houston, TX	K 77098		
Post Office Address:	Same as above			
Signature			Date	
Full Name of Third Inventor: Citizenship:	DAI (Family Name) CHINA	Hongjie (First Given Name)		(Second Given Name)
Residence:	365 Pescadero Terrace, Sunnyv	vale CA 94086		
Post Office Address:	Same as above	410, 671 0 1000		
Signature	J. J.		Date	15/1999
Full Name of Fourth Inventor:	LIU (Family Name)	Jie (First Given Name)	·	(Second Given Name)
Citizenship:	CHINA			
Residence:	5825 Gulfton #3214, Houston, T	X 77081		
Post Office Address:	Same as above			
Signature			Date	
Full Name of Fifth Inventor:	RINZLER (Family Name)	Andrew (First Given Name)		G. (Second Given Name)
Citizenship:	USA	,		,
Residence:	6666 Chetwood, Apartment 171	, Houston, TX 770	81	
Post Office Address:	Same as above			
Signature			Date	
Full Name of Sixth Inventor:	HAFNER (Family Name)	Jason (First Given Name)		H. (Second Given Name)
Citizenship:	USA			

Signature			Date	
Full Name of Second Inventor:	COLBERT (Family Name)	Daniel (First Given Name)		T. (Second Given Name)
Citizenship:	USA	,		,
Residence:	1911 Milford Street, Houston,	TX 77098		
Post Office Address:	Same as above			
Signature			Date	
Full Name of Third Inventor:	DAI	Hongjie		(Second Given Name)
<u>□</u> _Citizenship:	(Family Name) CHINA	(First Given Name)		(Second Siven Name)
Residence:	365 Pescadero Terrace, Sunn	vvale. CA 94086		
Post Office		, , , , , , , , , , , , , , , ,		
Address:	Same as above			
± Zianatura			Date	
Signature Full Name of			Date	
Fourth Inventor:	LIU	Jie		
	(Family Name)	(First Given Name)		(Second Given Name)
Citizenship:	CHINA	TY 77081		
Residence:	5825 Gulfton #3214, Houston,	, 12 77001		
Post Office Address:	Same as above			
	,	2 1		
	All and	<del></del>		11/22/99
Signature	10000		Date	11/27/11
Full Name of Fifth Inventor:	RINZLER	Andrew		G.
Citizanahin	(Family Name) USA	(First Given Name)		(Second Given Name)
Citizenship: Residence:	1713 S.W. 186th Street, Newl	nerry El 32660		
Post Office	17 13 3.44. Toolif Street, News	Deny, 1 E 32003		
Address:	Same as above			
			<b>.</b>	
Signature			Date	
Full Name of Sixth Inventor:	HAFNER	Jason		H.
	(Family Name)	(First Given Name)		(Second Given Name)
Citizenship:	USA			

## Att ' ey Docket No. 002376.0875

Signature	Sty. Olh		Date _	1-4-99
Full Name of				
Second Inventor:	COLBERT (Family Name)	Daniel (First Given Name)		T. (Second Given Name)
Citizenship:	USA			
Residence:	1911 Milford Street, Houst	on, TX 77098		
Post Office Address:	Same as above			
Signature			Date	
Full Name of Third Inventor:	DAI (Family Name)	Hongjie (First Given Name)		(Second Given Name)
Tu GCitizenship:	CHINA			
Residence:	365 Pescadero Terrace, S	Sunnyvale, CA 94086		
Post Office Address:	Same as above			
Signature			Date	
Full Name of Fourth Inventor:	LIU (Family Name)	Jie (First Given Name)		(Second Given Name)
Citizenship:	CHINA			
Residence:	5825 Gulfton #3214, Hous	ston, TX 77081		
Post Office Address:	Same as above			
Signature			Date	
Full Name of Fifth Inventor:	RINZLER (Family Name)	Andrew (First Given Name)		G. (Second Given Name)
Citizenship:	USA			
Residence:	6666 Chetwood, Apartme	nt 171, Houston, TX 770	081	
Post Office Address:	Same as above			
Signature	Jan H H		Date _	11-18-99
Full Name of Sixth Inventor:	HAFNER (Family Name)	Jason (First Given Name)		H. (Second Given Name)
Citizenship:	USA			

	Residence:	373 Highland Avenue, No. 203, Somerville, MA 02144				
	Post Office Address:	Same as above				
	Signature Full Name of	1/272		Date	11.4.99	
	Seventh Inventor:	SMITH (Family Name)	Ken (First Given Name)		(Second Given Name)	
	Citizenship:	USA				
	Residence:	17431 Fairway Oaks, Spring, TX	77379			
	Post Office Address:	P.O. Box 11049, Spring, TX 773				
A STATE OF THE STA	Signature			Date		
The speed of the s	Full Name of Eighth Inventor:	GUO (Family Name)	Ting (First Given Name)		(Second Given Name)	
	Citizenship:	CHINA				
	Residence:	8176 Caminito Sonoma, La Jolla, CA 92037				
And the first from the	Post Office Address:	Same as above				
- Serge - Arrival	Signature	##		Date	8.99	
	Full Name of Ninth Inventor:	NIKOLAEV (Family Name)	Pavel (First Given Name)		(Second Given Name)	
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	Residence:	2232 1/2 Troon, Houston, TX 77	7019			
	Post Office Address:	Same as above				
	Signature			Date		
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	Residence:	Max-Planck-Institut Fur Biochen	nie, Abteilung Mole	ekulace,		
		Strukturbiologie am Klopferspitz	: 189, D-82152 Ma	rtinsried, Ge	ermany	
	Post Office Address:	Sames as above				

Residence:

DEC 16 1999 16:25 FR BALER & BOTTS

TO 02092#023760875# P.05/08

### Attorney Docket No. 002376.0875

Post Office Address:	Same as above		
Signature		Date	-
Full Name of Seventh Inventor	SMITH (Family Name)	Ken (First Given Name)	(Second Given Name)
Citizenship:	USA		
Residence:	17431 Fairway Oaks,	Spring, TX 77379	
Post Office Address:	PO Box 11049, Sprin	71	V 12/20/00
Signature		Date,	X 12/20/99
Full Name of Eighth Inventor.	GUO (Family Name)	Ting (First Given Name)	(Second Given Name)
Citizenship:	CHINA	/	
Residence.	8176 Caminito Sonom	ia. La Jolia, CA 92037 / 2612	. Calder Court
Post Office Address:	Same as above	la. La Jolla, CA 92037 (2612 Davis	, CA 95616
Signature		Date	
Full Name of Ninth Inventor:	NIKOLAEV (Pamily Name)	Pavel (First Given Name)	(Second Given Name)
Citizenship	RUSSIA		
Residence:	2232 1/2 Troon, Houst	ton, TX 77019	
Post Office Address:	Same as above		
Signature		Date	
Full Name of Tenth Inventor:	THESS (Family Name)	Andreas (First Given Name)	(Second Given Name)
Citizenship:	GERMANY		
Residence.	Max-Planck-Institut Fu	r Biochemie, Abteilung Molekulace	•
	Strukturbiologie am Kl	opferspitz 189, D-82152 Martinsried	d, Germany
Post Office Address	Sames as above		

373 Highland Avenue, No. 203, Somerville, MA 02144

BAKER 6 BOTTS, L.C.P. The Wenner 1296 Permeyerenis Avenue, N.W.

Residence:	373 Highland Avenue, No. 203, Somerville, MA 02144			
Post Office Address:	Same as above			
Signature	1/272		Date _	11.4.99
Full Name of	·			
Seventh Inventor:	SMITH (Family Name)	Ken (First Given Name)		(Second Given Name)
Citizenship:	USA			
Residence:	17431 Fairway Oaks, Spring, TX	77379		
Post Office Address:	P.O. Box 11049, Spring, TX 773	391-1049		
	1/21			
Signature			Date _	
Full Name of Eighth Inventor:	GUO (Family Name)	Ting (First Given Name)		(Second Given Name)
Citizenship:	CHINA			
Residence:	8176 Caminito Sonoma, La Jolla	a, CA 92037		
Post Office Address:	Same as above			
Signature			Date _	(1.8.99
Full Name of Ninth Inventor:	NIKOLAEV (Family Name)	Pavel (First Given Name)		(Second Given Name)
Citizenship:	RUSSIA	,		,
Residence:	2232 1/2 Troon, Houston, TX 7	7019		
Post Office Address:	Same as above			
Signature	Andreas TR		Date _	Nov 17, 1999
Full Name of Tenth Inventor:	THESS (Family Name)	Andreas (First Given Name)		(Second Given Name)
Citizenship:	GERMANY	/		,
Residence:	Max-Planck-Institut Fur Biochen	nie, Abteiluna Mole	ekulace,	
· - · · · · · · · ·	Strukturbiologie am Klopferspitz	_		. Germany
Post Office Address:	Sames as above	., z <u>=</u>		. •

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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Smalley et al.

Serial No.:

09/380,545

Filing Date:

Dec. 22, 1999

For:

**CARBON FIBERS FORMED** 

FROM SINGLE-WALL CARBON NANOTUBES

Examiner:

Not Yet Assigned

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

# CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper for Application, Registration and/or the Paper identified herein, is being facsimile transmitted to the Patent and Trademark Office fax number indicated below on the date indicated below. COMMENSATION CONTROL TO THE TRANSMISSION DATE 703/308-7048 Fax: No.

### REVOCATION AND SUBSTITUTION OF POWER OF ATTORNEY

William Marsh Rice University, the Assignee for the above-referenced patent application, pursuant to an Assignment document which was recorded in the United States Patent and Trademark Office on December 22, 1999, under Reel No. 010644 and Frame No. 0517, hereby revokes any and all prior Powers of Attorney executed in connection with the above-identified patent application, and hereby appoint:

Hugh R. Kress, Reg. 36,574 Dwayne L. Mason, Reg. No. 38,959 Robert C. Shaddox, Reg. No. 34,011

all of the firm of Winstead Sechrest & Minick, P.C., as our attorneys with full power of substitution and revocation, to prosecute said application and any continuations or divisions thereof, and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent application filed thereon before any international authorities under the Patent Cooperation Treaty.

below:

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off the first tree first the first off

Please send all correspondence, papers and notices for all purposes to the address listed v:

Robert C. Shaddox WINSTEAD SECHREST & MINICK, P.C. 910 Travis, Suite 2400 Houston, Texas 77002

and direct all telephone calls to Robert C. Shaddox (713) 650-2764. Please also note the attorney docket number: 11321-P012WOUS.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 6/30/00

WILLIAM MARSH RICE UNIVERSITY

By:

Printed Name

Titla

::ODMA\PCDOCS\HOUSTON\_1\438369\1 640:11321-P012WOUS

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Richard E. Smalley et al.

CARBON FIBERS FORMED FROM

SINGLE-WALL CARBON

**NANOTUBES** 

Atty Dkt:

For:

11321-P012WOUS

(formerly 002376.0875)

Serial No:

09/380,545

Filed:

September 3, 1999

Group Art Unit: 1754

Examiner:

Stuart Henderson

703.308.2539

CERTIFICATE OF MAILING (37 C.F.R. 1.8)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below.

7-19-01

Dat

Signatural

Assistant Commissioner for Patents Washington, DC 20231

### SUBSTITUTE POWER OF ATTORNEY

Sir:

William Marsh Rice University, being the assignee of all right, title and interest in and to the above-identified patent application by means of an assignment recorded on December 22, 1999, on Reel 010644, Frame 0517, hereby revokes all powers of attorney previously granted with respect to the present application, and hereby appoints:

Ross S. Garsson, Reg. No. 38,150, Hugh R. Kress, Reg. No. 36,574; Robert C. Shaddox, Reg. No. 34,011; Henry L. Ehrlich, Reg. No. 39,663; and Timothy M. Donoughue, Reg. No. 46,668,

each an attromey with the firm of Winstead Sechrest & Minick, P.C., as its attorneys to prosecute the captioned application, and to transact all business in the Patent and Trademark Office connected therewith.

IN RE APPLICATION S.N. 09/380,545 RICHARD E. SMALLEY ET AL SUBSTITUTE POWER OF ATTORNEY

### Please address all future correspondence to:

Hugh R. Kress
Winstead Sechrest & Minick, P.C.
2400 Bank One Center
910 Travis Street
Houston, Texas 77002
713.650.2714 (voice)
713.650.2400 (fax)

William Marsh Rice University

これしつ これまと

Date: 7/19/9/

By: Daryl S. Boudreaux

Director, Office of Technology Transfer

HOUSTON\_1\504473\1 07/18/2001 - 11321-P012WOUS